UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/2000/SR.1
9 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 31 July 2000, at 10.30 a.m.

Temporary Chairperson: Mr. HATANO

Chairperson: Ms. MOTOC

CONTENTS

OPENING OF THE SESSION

STATEMENT BY MRS. ROBINSON, UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-14547 (E)

CONTENTS (continued)

ORGANIZATION OF WORK

(a) ELECTION OF OFFICERS

(b) ADOPTION OF THE AGENDA

STATEMENT BY THE CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS

A MINUTE OF SILENCE IN TRIBUTE TO THE VICTIMS OF ALL FORMS OF VIOLATIONS OF HUMAN RIGHTS IN ALL REGIONS OF THE WORLD

The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRPERSON declared open the fifty-second session of the Sub-Commission on the Promotion and Protection of Human Rights. He began by announcing the deaths of Mr. Diaz Uribe and Mr. Zhong Shukong, two alternate members of the Sub-Commission, and asked those present to observe a minute of silence.

The members of the Sub-Commission observed a minute of silence in tribute to the memory of Mr. Diaz Uribe and Mr. Zhong Shukong.

2. The inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights had met four times and had adopted by consensus a report entitled "Rationalization of the Work of the Commission" (E/CN.4/2000/112). He thanked Mr. Eide for having been good enough to replace him and represent the Sub-Commission at those meetings.

3. In addition to the annual report of the Sub-Commission on its fifty-first session (E/CN.4/2000/2-E/CN.4/Sub.2/1999/54), he had submitted to the Commission on Human Rights the report of the Chairperson of the Sub-Commission (E/CN.4/2000/87).

4. The Commission had completed the biennial election of the members of the Sub-Commission on 14 April 2000. Five experts of the Sub-Commission had been re-elected, namely, Mr. Alfonso Martínez, Mr. Eide, Mr. Weissbrodt, Mr. Yimer and Ms. Warzazi; two alternate members, Ms. Motoc and Mr. Yokota, had been elected as experts; six new experts had also been elected, namely, Mr. Ogurtsov, Mr. Park, Mr. Preware, Mr. Rodríguez Cuadros, Mr. Van Hoof and Ms. Zerrougui. He offered his warmest congratulations to them all.

5. With regard to the four standing working groups, three of them had met prior to the session; the fourth, the Working Group on Communications, was henceforth going to meet immediately after the session. The Working Group on Minorities had held its session from 22 to 26 May 2000. Given that it no longer comprised any members from the Group of African States, and at the request of the Secretariat, he had appointed Mr. Sik Yuen of Mauritius. The Working Group on Contemporary Forms of Slavery had met from 14 to 23 June. He had appointed Ms. Motoc of Romania as a member to represent the Group of Eastern European States in the said Working Group.

6. He had been invited to participate in the twelfth meeting of Chairpersons of United Nations Human Rights Treaty Bodies, which had taken place from 5 to 8 June 2000, but as he had been unavailable, he had asked Mr. Eide to attend on his behalf. He had also asked Mr. Eide to represent the Sub-Commission at the European "All different, all equal: from principle to practice" Conference which would take place in Strasbourg from 11 to 13 October 2000.

7. Ms. Daes, Chairperson of the Working Group on Minorities, had been to Mexico from 28 January to 14 February 2000. Her very extensive and deep-sighted report would be circulated to members shortly.

8. Finally, the Commission and the Economic and Social Council had approved the report of the inter-sessional open-ended Working Group of the Commission (E/CN.4/2000/112). It was recommended in that document that the Sub-Commission should remain at its present size (26 members), that members should continue to be elected by the Commission and that the duration of membership should not be limited in concrete terms. Furthermore, the Working Group had reached the conclusion that being employed in the public administration of a Government did not expressly make a candidate ineligible for membership of the Sub-Commission, but that Governments should be conscious of the need to maintain the independence of that body. The Working Group recommended that the Sub-Commission should cease to have a role in the 1503 procedure and that the Working Group on Communications should meet annually, immediately after the session of the Sub-Commission. Moreover, it specified that the Sub-Commission's primary function was to carry out studies and research in order to provide advisory opinions to the Commission, and that it could debate country situations without, however, adopting country-specific resolutions. In light of the limitations of the Sub-Commission's mandate, the Working Group recommended that the duration of the Sub-Commission's annual session should be reduced to three weeks and that the duration of the annual session of the Working Group on Contemporary Forms of Slavery should be reduced from eight days to five. On the other hand, the length of the annual session of the Working Group on Minorities remained unchanged and the Working Group on Indigenous Populations would continue to meet immediately prior to the Sub-Commission until a permanent forum for indigenous populations was established in the United Nations system.

STATEMENT BY MRS. ROBINSON, UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

9. Ms. ROBINSON (United Nations High Commissioner for Human Rights), referring to the follow-up meetings to the Beijing Conference and the Copenhagen Summit, said that the previous year had been eventful in the area of human rights. Those meetings were intended as a reminder of all that remained to be done if the commitments made were to be fulfilled.

10. With regard to international instruments, she welcomed the fact that, in October 1999, the General Assembly had adopted the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, and that two Optional Protocols to the Convention on the Rights of the Child had been adopted in 2000, concerning, respectively, the involvement of children in armed conflict and the sale of children, child prostitution and child pornography.

11. At its previous session, the Commission on Human Rights had taken a number of significant decisions, including the decision to appoint a special representative of the Secretary-General responsible for the situation of human rights defenders, a development which had been very well received by the international community and which underlined the vital importance of the activities of such defenders.

12. She also welcomed the decision taken by the Commission on Human Rights to appoint two new special rapporteurs, one on the right to adequate housing and the other on the right to adequate food, as well as the decision to assign the issues of structural adjustment and foreign debt to one independent expert. Likewise, she expressed her appreciation of the decision that had been taken to establish a permanent forum for indigenous peoples, which would be a body specifically responsible for dealing with the problems faced by indigenous communities.

13. The serious human rights violations that took place in many parts of the world continued to call for attention. In that regard, the Sub-Commission had a particular role to play. As a think-tank, the Sub-Commission must actively participate in the preparatory work for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as it had done already by making a number of proposals regarding themes to be considered at the Conference and by carrying out several studies, such as those on affirmative action and the rights of non-citizens.

14. She urged members of the Sub-Commission to give priority to the consideration of the issues on its agenda relating to racial discrimination. In that regard, she recalled that the Working Group on Minorities had recommended that that year its Chairperson-Rapporteur should deliver a statement at the World Conference. She also recalled that the Committee on the Elimination of Racial Discrimination would soon consider Mr. Sik Yuen's working paper on the Roma.

15. She welcomed the Sub-Commission's work in the area of economic, social and cultural rights; its studies on the right to adequate food and the right to adequate housing had encouraged the Commission to create two new mandates on those issues. She also drew attention to the report of her Office on the follow-up meeting to the Copenhagen Summit as well as to the Report on Human Development, which was a crucial human rights document.

16. The impact of globalization and business on the enjoyment of human rights was an issue that had already been addressed by the Sub-Commission and she endorsed the nomination of Mr. Oloka-Onyango and Ms. Udagama as special rapporteurs on the matter. The sessional Working Group on the Working Methods and Activities of Transnational Corporations should meet again. The previous year, the Working Group had recommended that the effects of the activities of transnational corporations on the enjoyment of human rights should be considered and that a draft mechanism should be prepared for the implementation of a code of conduct for transnational companies. At the meeting organized recently in New York for the launch of the Secretary-General's Global Compact initiative, she had noted that a significant number of major corporations had made a public commitment to respect the nine principles in the Global Compact covering human rights, labour standards and the environment. Her Office had prepared a document for that meeting.

17. Recalling that the Secretary-General, in his report for the Millennium Assembly, had underlined the special needs of children and young people, she encouraged the Sub-Commission to continue to devote attention to that issue. In that regard, she welcomed the fact that the Working Group on Indigenous Populations had decided to consider the situation of indigenous

children and young people, and had invited the Rapporteur of the Committee on the Rights of the Child to speak at the session. Likewise, the Working Group on Contemporary Forms of Slavery would consider the question of trafficking in persons, particularly women and children, at next year's session.

18. Referring to the various changes being made that affected the functioning of the Sub-Commission, she said she was aware that members opposed the reduction in the duration of its session. The Commission's decision forced the Sub-Commission to concentrate its activities into a shorter period, but she was confident that that would not prevent it from continuing to carry out its role in an effective manner. Moreover, she hoped to receive some advice and constructive criticism from the Sub-Commission and to maintain a permanent dialogue between her Office and the Sub-Commission on matters of common concern.

ORGANIZATION OF WORK

(a) ELECTION OF OFFICERS

(b) ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/CN.4/Sub.2/2000/1 and Add.1)

Election of officers

19. The TEMPORARY CHAIRPERSON invited the Sub-Commission to propose candidates for the office of Chairperson.

20. Mr. KARTASHKIN said that the Group of Eastern European States, which had the honour once again to nominate a candidate for the office of Chairperson, proposed Ms. Motoc.

21. Mr. WEISSBRODT and Mr. GUISSÉ supported the nomination.

22. Ms. Motoc was elected Chairperson by acclamation.

23. Ms. Motoc took the Chair.

24. The CHAIRPERSON invited nominations for the three offices of Vice-Chairperson.

25. Mr. YIMER proposed Mr. Oloka-Onyango.

26. Mr. ALFONSO MARTINEZ proposed Mr. Rodríguez Cuadros.

27. Mr. WEISSBRODT proposed Ms. Daes.

28. Mr. Oloka-Onyango, Mr. Rodríguez Cuadros and Ms. Daes were elected Vice-Chairpersons by acclamation.

29. The CHAIRPERSON invited nominations for the office of Rapporteur.

30. Mr. FAN Guoxiang proposed Mr. Goonesekere.

31. Mr. Goonesekere was elected Rapporteur by acclamation.

Statement by the Chairperson

32. The CHAIRPERSON, after thanking Mr. Hatano for his valuable contribution to the work of the Sub-Commission as Chairperson of the fifty-first session, said that she was very honoured by her election to chair the fifty-second session of the Sub-Commission.

33. Since its creation in 1947, the Sub-Commission had contributed to the development of human rights protection, the status of which had evolved from a contestable ethical principle to that of universally accepted positive law. During the cold war, the Sub-Commission had had to accept a political dimension which had given rise to discussions of its legitimacy and its duties. In relation to States, the institutions and bodies responsible for "international governance" should define their spheres of action and ensure effective monitoring.

34. The Sub-Commission should not confine itself to the sterile role of an erudite academic. It should forge a link between human rights and political and social practice so that it would be listened to and respected to a greater extent, particularly by the Commission on Human Rights.

35. The Sub-Commission had shown that it was competent in the area of minorities and indigenous populations, as illustrated by the resolution recently adopted by the Economic and Social Council on the creation of a permanent forum for indigenous populations. The Sub-Commission should now, by rationalizing its working methods, reconsider some of its former themes such as the right to self-determination or the duties of the individual, and study the role played by non-State actors in the field of human rights. For the most part, the establishment of human rights had gone hand in hand with the emergence of the State and if, today, human rights were regressing at global level, it was largely due to the weakness of the rule of law. For that reason, the Sub-Commission should create closer links between the protection of human rights and the rule of law and study that issue in a political, social and moral context.

36. The Sub-Commission must avoid ideological discourse and empty and repetitive rhetoric, and adopt an overall perception of law, particularly in its economic and political dimension. The twentieth century had shown just how dangerous it was to try to re-educate humanity and create a new kind of man. Now that such utopian ideas had failed, the racial and gender discrimination prevalent in economic and cultural fields had to be analysed with greater precision.

37. As the philosopher Jan Patocka, founder of Charter 77, had said, a moral code should not exist simply to help society to function, but because mankind should be human. Respect for human rights was the only moral value that remained. For that reason, it had to be defended even more.

Adoption of the provisional agenda (E/CN.4/Sub.2/2000/1)

38. Mr. ALFONSO MARTINEZ proposed the addition of a paragraph (c) entitled "World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance" to agenda item 3. Mr. Pinheiro had made a significant contribution to the work of the Preparatory Committee for the World Conference and the Sub-Commission should therefore follow up that work.

39. Mr. PINHEIRO thanked Mr. Alfonso Martínez for his proposal.

40. With regard to the Sub-Commission's agenda he considered it unrealistic to leave it as it stood, given that the length of the session had been reduced to three weeks. Moreover, as the High Commissioner for Human Rights had recommended, priority should be accorded to certain issues. That would certainly not be an easy task but perhaps the Bureau could look into the matter.

41. He would like to know why the secretariat of the Sub-Commission had moved, thereby unduly complicating not only the work of the experts but also that of the secretariat itself.

42. Mr. KARTASHKIN said the Sub-Commission had to examine a large number of problems at its current session, some of which were already old. The Sub-Commission had rarely amended its agenda in order to address new issues raised by international developments. He noted that agenda item 12, entitled "Review of further developments in fields with which the Sub-Commission has been or may be concerned", comprised a dozen basic items that affected the international community and pointed out that it was usually taken up each year on the last day of the session, or even postponed to the following session. He proposed therefore that it should become agenda item 3 or 4, and that it should be subdivided into several points.

43. As the length of the session had been reduced by a week, he urged members of the Sub-Commission and representatives of non-governmental organizations to refrain from introducing political considerations into the debates, and instead to show objectivity in examining matters relating to human rights. Even if human rights raised problems that should be addressed by the international community, it was nevertheless a fact that some aspects of those rights fell within the exclusive jurisdiction of States, and a clear distinction had to be made between the two.

44. Reducing the duration of the session would inevitably affect the work of the Sub-Commission. He understood that the decision had been taken in the interest of economy, but noted that the length of the sessions of other committees had been extended. The Sub-Commission should therefore address the issue and state its views on the subject clearly.

45. Mr. EIDE pointed out that the provisional agenda had been prepared in 1996 and although - as Mr. Pinheiro had rightly noted - the situation had since evolved, it was impossible at the present stage to change it since that would involve unduly long discussions. It had to be accepted as it stood, possibly with amendments. In that connection he endorsed the proposal made by Mr. Martínez to add a paragraph (c) to agenda item 3.

46. Other questions should be examined by the Bureau under the relevant item of the organization of work. Moreover, thought should be given to revising the agenda for coming years since it no longer really reflected the new tasks of the Sub-Commission. It would, however, be unwise to do so at the current session.

47. Mr. ALFONSO MARTINEZ said that, in light of the 25 per cent reduction in the duration of its session, the Sub-Commission's agenda no longer corresponded to the current situation. He agreed with Mr. Eide that a substantive debate, was in order, and asked the Bureau to submit proposals regarding the agenda to the members of the Sub-Commission for consideration. He was in no way challenging the decision of the Commission on Human Rights, but simply felt that it was impossible in three weeks to cope with a workload that had previously required four.

48. Mr. RODRIGUEZ CUADROS said that, the agenda posed two fundamental problems, namely the excessive number of items for consideration and the reduction in the duration of the session. The ideal solution would be to reduce the agenda, giving priority to issues requiring urgent consideration. He agreed with Mr. Pinheiro and Mr. Eide that it was unrealistic to change the agenda, and therefore proposed that it should be adopted as it stood, but with emphasis being placed on certain priority matters. One of the Sub-Commission's tasks in the organization of work would be to consider a new agenda for the years to come, taking into account the evolution of the human rights situation in the world.

49. Mr. JOINET and Mr. FAN Guoxiang endorsed the proposals made by Mr. Martínez and Mr. Eide.

50. Ms. WARZAZI considered it premature for the secretariat to issue a draft timetable for the work of the Sub-Commission before it adopted its agenda.

51. Mr. KARTASHKIN, speaking on a point of order, said that he had not received the document referred to by Ms. Warzazi.

52. Ms. WARZAZI, supported by Mr. ALFONSO MARTINEZ, said that the Sub-Commission should, at the present stage, adopt the agenda on a provisional basis while awaiting suggestions from the Bureau, and postpone until the following day its final decision on the subject.

53. Ms. HAMPSON noted that there was a consensus on the need to keep the agenda unchanged. Nevertheless, she wanted to make two suggestions. The first concerned the level of priority to be attached to various items. In her view any agenda item under which a report was introduced should be given priority. Secondly, she noted that the Working Group on the Administration of Justice did not appear on the draft timetable mentioned by Ms. Warzazi; that oversight should be corrected.

54. Mr. LEBAKINE (Secretary of the Commission), replying to Mr. Kartashkin, said that the draft timetable for the Sub-Commission would be circulated the following day in plenary.

55. Mr. KARTASHKIN supported Ms. Hampson's suggestion. He hoped that the Bureau would indicate clearly how many sessions should be devoted to an examination of the reports submitted to the Sub-Commission.

56. Mr. PINHEIRO also supported Ms. Hampson's suggestion, but would like to know how the Bureau thought the Sub-Commission should proceed in order to satisfy the Commission. In point of fact, the Commission was asking the Sub-Commission to refrain not only from preparing country-specific draft resolutions but also from mentioning countries in thematic resolutions. If that was the case, wasn't there a risk of ending up with just empty words?

57. The CHAIRPERSON, at the suggestion of Mr. Eide, proposed that the Sub-Commission should adopt the provisional agenda contained in document E/CN.4/Sub.2/2000/1 with the amendment proposed by Mr. Alfonso Martínez.

58. The agenda, with the amendment proposed by Mr. Alfonso Martínez, was adopted on a provisional basis.

59. The CHAIRPERSON gave the floor to Mr. Simkhada, Chairman of the Commission on Human Rights.

STATEMENT BY THE CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS

60. Mr. SIMKHADA (Chairman of the Commission on Human Rights) said that when the Commission, at its fifty-sixth session, had considered agenda item 16, entitled "Report of the Sub-Commission for the Protection and Promotion of Human Rights", it had stressed the important role of the Sub-Commission and noted the efforts it had made to define its role and improve its methods of work. At its sixty-seventh meeting the Commission had adopted, without a vote, resolution 2000/83, reiterating its recognition of the valuable contribution made by the Sub-Commission to the human rights work of the United Nations and reaffirming how necessary it was for the mandate of the Sub-Commission to be clarified and adjusted. The debate on that issue, at the fifty-sixth session of the Commission, had been very short since its consideration had been entrusted to the inter-sessional Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission, chaired by Ms. Anne Anderson. By decision 2000/109, the Commission had decided to approve the report of the inter-sessional Working Group in its entirety, contained in document E/CN.4/2000/112.

61. The Commission had in particular endorsed the Working Group's recognition that the Sub-Commission, as a body of independent experts, had added, through its analyses, an important dimension to the work of the Commission. Emphasis had been placed on the need to safeguard the independence of the Sub-Commission so as not to weaken the impact it could have through its studies and research and through the expert advice it provided to the Commission.

62. The Working Group's recommendation that the Sub-Commission should continue to be able to discuss situations not being dealt with in the Commission and that it should be allowed to consider urgent matters involving serious violations of human rights in any country had been agreed by consensus. On the other hand, it had been agreed that the Sub-Commission should not adopt country-specific resolutions, and it had been recommended that the Sub-Commission,

which was a think-tank, should refrain from negotiating and adopting thematic resolutions containing references to specific countries. The experts would therefore be able to use the extra time to undertake in-depth analyses, in complete independence, impartially and objectively.

63. The Working Group had stated, however, that the role of the Commission in its supervision and determination of priorities should be strengthened, and that the Commission should ensure that it gave clear directions to the Sub-Commission when entrusting it with tasks. The Commission therefore had a heavy responsibility, and participants had stated that they were willing to help the Sub-Commission in identifying issues on which it could carry out studies.

64. In conclusion, he emphasized the need to deepen the dialogue between the Commission and the Sub-Commission in order to avoid any misunderstandings. By making a concerted effort, the two bodies would contribute to the promotion and protection of human rights.

A MINUTE OF SILENCE IN TRIBUTE TO THE VICTIMS OF ALL FORMS OF VIOLATIONS OF HUMAN RIGHTS IN ALL REGIONS OF THE WORLD

65. Mr. LEBAKINE (Secretary of the Commission), in answer to a question put by Mr. Pinheiro, said that the offices of the Sub-Commission's secretariat had been moved to make room for those of the International Law Commission which was holding the second part of its session in Geneva.

66. Mr. PINHEIRO said it was unfortunate that priority had been given to the International Law Commission and emphasized that the offices in question must be returned to the Commission in 2000.

67. Mr. ALFONSO MARTINEZ drew attention to the fact that documents E/CN.4/Sub.2/2000/19, 20, 22, 26, 28 and 31 had been issued in English but not in Spanish; that was contrary to the General Assembly's decisions on documentation.

68. Mr. LEBAKINE (Secretary of the Commission) explained that the documents had been translated into Spanish but not yet been distributed.

69. Mr. SIK YUEN, recalling that in 1999 the 26 members of the Sub-Commission had been obliged to deal with administrative formalities in premises very far away, asked whether all formalities could now be coped with on the spot.

The meeting rose at 1.10 p.m.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/2000/SR.2
9 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 August 2000, at 10 a.m.

Chairperson: Ms. MOTOC

CONTENTS

ORGANIZATION OF WORK (continued)

(c) METHODS OF WORK OF THE SUB-COMMISSION

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-14560 (E)

The meeting was called to order at 10.10 a.m.

ORGANIZATION OF WORK (agenda item 1) (continued)

1. The CHAIRPERSON said that the Bureau had held a meeting on the previous day and had proposed that two sessional working groups - the working group on the working methods and activities of transnational corporations and the working group on the administration of justice - should meet during the current session. She took it that the Sub-Commission wished to endorse that proposal.

2. It was so decided.

3. The CHAIRPERSON invited the regional groups to hold consultations to nominate experts for membership of those two working groups.

4. She then drew attention to the draft timetable prepared by the Bureau for the work of the session (E/CN.4/Sub.2/2000/OD.2).

5. Mr. ALFONSO MARTÍNEZ wondered whether the Sub-Commission, which was an analytical and deliberative body, would be able to study all the agenda items and documents before it with the care they deserved now that the length of its session had been reduced by one week.

6. Ms. WARZAZI said she shared that concern. However, she hoped that the Sub-Commission would be able to devote sufficient time to priority issues, including racial discrimination and the situation of migrant workers (item 3), to which the Sub-Commission should devote three and not two half-days as envisaged in the provisional timetable. The Sub-Commission could do that by devoting only one meeting on 18 August, rather than two, to item 13.

7. Mr. EIDE said he would have liked to see a working group on the methods of work of the Sub-Commission meet during the current session; he hoped that the matter would be dealt with in informal consultations.

8. Moreover, since the Sub-Commission would not be voting at its current session on resolutions dealing with the human rights situation in specific countries and since resolutions on thematic issues would probably be adopted by consensus, there was no need to set aside three meetings for voting, as the Bureau had done in its draft timetable. In that way, the Sub-Commission could spend more time on other issues, including racism.

9. The CHAIRPERSON said that the meeting on the morning of 16 August could indeed be devoted to a substantive issue rather than voting, and that less time could be spent on item 13 and more on item 3.

10. Mr. PINHEIRO said he would like to know when the Sub-Commission intended to follow up the Chairperson's statements made at the previous session, including those on Belarus, Mexico, Togo, Indonesia and refugees in Nepal.

11. The CHAIRPERSON said that the matter would be considered under agenda item 2.

12. Mr. JOINET noted that only two meetings were planned for item 2, as compared with four at the previous session. That was a reduction of 50 per cent, whereas the overall length of the session had been cut by only 25 per cent. In his view, therefore, a third meeting should be planned for that item.

13. Mr. EIDE, Mr. PINHEIRO and Ms. WARZAZI supported that proposal.

14. Mr. PARK asked when the very important Human Development Report would be considered and whether the question of the adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights would receive all the attention it deserved, given its inclusion under the heading "Other new developments" at the end of item 12.

15. The CHAIRPERSON said that human development would be considered for the most part under items 4 and 5, but also whenever issues such as slavery, indigenous peoples and minorities were considered. The fact that the question of the adverse consequences of the transfer of arms came at the end of item 12 did not mean that the Sub-Commission would attach any less importance to it than to other issues.

16. Mr. KARTASHKIN agreed that the meeting on the morning of 16 August could be spent on something other than voting and proposed that the timetable prepared by the Bureau should be adopted as the only one likely to be acceptable to all. Otherwise, everyone would be pushing their own proposal and the discussion could easily become bogged down. With regard to item 2, he recalled that the Sub-Commission was no longer authorized either to adopt resolutions on countries or to study situations already before the Commission. Moreover, discussions on that item generally led to accusations, counter-accusations and ideological disagreements. It would be better if the Sub-Commission focused its efforts on issues on which it could take practical decisions, particularly on the basis of members' reports and studies.

17. Mr. RODRÍGUEZ CUADROS said that more time should be spent on the violation of human rights (item 2) and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (item 3).

18. Mr. JOINET said he did not agree with Mr. Kartashkin. While discussions on item 2 had often given rise to controversy, history showed that the Sub-Commission had always been right, whether on El Salvador, Guatemala, Haiti or, more recently, East Timor. The violations condemned by the Sub-Commission had not been invented; if anything, the truth about them had been worse than feared. In France, for example, the use of torture during the war in Algeria had often been denied, until General Massu had recently admitted that the French army had used torture systematically. History showed that human rights defenders were right most of the time.

19. In that connection, he recalled that the Commission, in its resolution 8 (XXIII) of 16 March 1967, had requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms for the use of the Commission. That task had not been called into question in document E/CN.4/2000/112; only the details of how to go about it had been changed. The Sub-Commission should therefore accept the fact that it

could no longer adopt country-specific resolutions. However, that should not prevent it from facing up to its obligations. The Commission document referred to above itself said that "there could be a loss in human rights terms if the Sub-Commission were unable to give any consideration to specific country situations".

20. Ms. HAMPSON agreed. She recalled that the Commission had requested the Sub-Commission to continue discussing the situation in countries that were not being considered by the Commission, as well as emergencies, even if its discussions did not lead to resolutions. For that reason, she supported the proposal to spend an additional half-day on item 2 and an extra half-day on item 3.

21. Mr. PREWARE said that, although the draft timetable proposed by the Bureau was excellent, members of the Sub-Commission wished to spend more time on certain items, and therefore proposed that those deserving a thorough discussion should be identified. He suggested that the morning of 3 August should be devoted to consideration of item 2, rather than item 3, which would make it possible to devote three meetings to item 2 and to postpone consideration of item 9 to 17 August. Moreover, if a vote was taken every day, on every item, more time could be devoted to the discussions.

22. The CHAIRPERSON noted that the sessional working group on the administration of justice (item 9) had to start work in the first week, and it was impossible to postpone it. As far as voting procedure was concerned, she pointed out that members of the Sub-Commission needed time to think before voting on draft resolutions.

23. Ms. WARZAZI called on the Chairperson to have the timetable adopted as amended without further ado. With regard to the meeting on 18 August, while she understood the problems it would pose for the Secretariat, she thought the report could be prepared on a daily basis, rather than at the end of the session.

24. Mr. FAN Guoxiang said that he did not object to the Chairperson's proposal. He could also go along with some of the amendments, particularly the one on spending half a day more on both item 2 and item 3.

25. As for country-specific resolutions, he said that he had always been opposed to their adoption by the Sub-Commission, and at the previous session had voted against that kind of resolution. However, he saw no reason why country situations should not be considered in accordance with the mandate established by the Commission. He recalled that the Sub-Commission was a forum made up of independent experts and that it should not indulge in political manoeuvring.

26. He supported Ms. Warzazi's proposal to adopt the draft timetable.

27. Mr. EIDE was in favour of adopting the draft timetable as amended. The Bureau should also set the dates for the additional meetings on items 2 and 3.

28. Moreover, he hoped that the Sub-Commission would hold an informal meeting to consider its future agenda once its report was completed.

29. Mr. JOINET said he was in favour of adopting the draft timetable. However, he would like to know whether the Sub-Commission would be able to hold one or two extended meetings.

30. The CHAIRPERSON informed the Sub-Commission that an extended meeting could be held on 10 August.

31. Mr. YOKOTA agreed with Ms. Warzazi and Mr. Eide. He was in favour of devoting an additional half-day to item 2 and another to item 3, and cancelling the meetings set aside for voting on the morning and afternoon of 16 August.

32. He noted that, under the draft timetable, items 10, 11 and 12 were to be considered on the Monday and Tuesday of the last week of the session and that a vote on those items would be held on the Wednesday. However, experience showed that some time was needed to reflect on the draft resolutions before the vote. That was especially true of agenda item 12, which, in view of the large number of issues to be dealt with, required a thorough discussion.

33. The CHAIRPERSON said that, as usual, draft resolutions on item 12 had to be submitted even before that item was discussed.

34. Mr. ALFONSO MARTÍNEZ said that he did not intend to formally oppose the consensus. However, in his view, the basic issue, which should be clearly reflected in the record, was that by approving the proposed timetable, the Sub-Commission would, as it were, be accepting a "mission impossible". In the new situation it would really be very difficult, if not impossible, to study the issues on the agenda in depth. If it was to tackle the 11 or 12 basic items that made up the agenda, the Sub-Commission would be forced to limit the time spent on discussions and reflection, which were vital parts of its function.

35. The CHAIRPERSON proposed that the Sub-Commission should adopt the timetable.

36. The timetable, as amended, was adopted.

37. Mr. KARTASHKIN welcomed the fact that the amended timetable had been adopted unanimously despite the objections of some members, and said he hoped that such unanimity would be maintained during the discussions.

38. Ms. WARZAZI proposed that consideration of any item that could not be taken up for one reason or another should be carried over to the following year.

METHODS OF WORK OF THE SUB-COMMISSION (agenda item 1 (c))
(E/CN.4/Sub.2/2000/112 and E/CN.4/Sub.2/1999/47)

39. The CHAIRPERSON said that the Bureau had taken into account decision 1999/114, adopted at the previous session. The Bureau would therefore hold its meetings on Tuesdays and

Fridays. With regard to the order of statements, members of the Sub-Commission would speak first, followed by representatives of intergovernmental and non-governmental organizations (NGOs) and, lastly, Government observers.

40. Because the session was shorter, the Bureau had had to recommend that speaking time should be allocated as follows: members of the Sub-Commission, 10 minutes; special rapporteurs, a maximum of 15 minutes, including the presentation of the report and conclusions; Government observers, 5 minutes per item, except on item 2, where the available time would be divided by the number of speakers on the list; right of reply by Government observers, 3 minutes for the first reply and 3 minutes for the second; observers from intergovernmental organizations and representatives of United Nations specialized agencies and other organizations, 5 minutes; representatives of NGOs, 5 minutes per item, except for item 2, where the available time would be divided by the number of speakers on the list, and 15 minutes for joint statements.

41. Meetings would normally end at 6 p.m., except on 10 August, when an extension would be possible.

42. Mr. ALFONSO MARTÍNEZ said that the situation was serious. By accepting the timetable, members of the Sub-Commission had actually been forced to restrict their freedom of speech. Whereas at the previous session members had been able to make one or more 15-minute statements per item, at the current session they could only make a single 10-minute statement, meaning that their speaking time had been reduced by 33 per cent.

43. NGO representatives, for their part, had had their speaking time cut by half as compared with the previous year. The same applied to Government observers and representatives of the specialized agencies. He therefore formally objected to the recommendations, as they undermined the Sub-Commission's very raison d'être, which was to be a forum for reflection and discussion. In that situation, it would be impossible for members of the Sub-Commission to discuss in any depth the important reports submitted to them. He therefore called on his colleagues to draw the obvious conclusions and not to lose sight of the practical consequences that such restrictions would have on the work of the Sub-Commission.

44. Ms. WARZAZI said that the reduction in speaking time really did pose serious problems. She also wondered how the meeting on 10 August could be extended when a working group was to begin its work at 5 p.m. on the same day.

45. The CHAIRPERSON said that the meeting of the working group on agenda item 9 could be held on 9 August.

46. Mr. JOINET agreed with Mr. Alfonso Martínez that the kind of censorship represented by the reduction in speaking time was regrettable. In his view, since the length of the session had been cut by a quarter, it would be more logical to reduce speaking time by only a quarter.

47. Mr. EIDE said that members would have to accept the fact that statements would be shorter at the current session, but lessons would have to be drawn for the next session. The Commission had requested the Sub-Commission to be a think tank, which meant that the latter

would have to show some flexibility. He therefore proposed that the 10-minute limit on speaking time should be taken as a guide rather than an inviolable rule. Moreover, he thought that better use could be made of speaking time by making statements that were more to the point and more precise.

48. Mr. KARTASHKIN wished to know whether speaking time was being limited to 10 minutes per meeting or per speech.

49. The CHAIRPERSON said that, in principle, speaking time was 10 minutes per agenda item. However, it appeared that members interpreted that principle in different ways.

50. Mr. PINHEIRO said that if participants' speaking time was reduced any further, the Sub-Commission's work in the following year would be a work of fiction. Moreover, he could not agree that the Sub-Commission was a think tank; it had a very specific mandate, and was not a centre for academic debates.

51. The CHAIRPERSON suggested that members of the Sub-Commission could be allowed some flexibility and could make several statements on each item, with each statement lasting no longer than 10 minutes.

52. Mr. JOINET cautioned the Chairperson that she would find herself in a difficult position if she allowed all the experts to speak for 10 minutes every time they wished to take the floor.

53. Mr. ALFONSO MARTÍNEZ said that there seemed to be consensus on the need to find a flexible formula on the amount of time that speakers would be allowed. A guideline of 10 minutes could be set for the experts, but it was important not to interfere with freedom of speech. It was therefore worrying that it was proposed to reduce the speaking time of observers for NGOs and Governments by 50 per cent, as they played a vital role in the Sub-Commission; a draconian reduction in their speaking time would not be good for its work.

54. The CHAIRPERSON recalled that a total of four hours had been set aside for observers for the consideration of item 2, on human rights violations . That time therefore had to be divided by the number of speakers wishing to take the floor.

55. Mr. PINHEIRO asked whether time had been set aside for following up the Chairperson's statements.

56. The CHAIRPERSON said that no time had yet been allocated for that purpose.

57. Mr. ALFONSO MARTÍNEZ said that the speaking time allowed for observers should only be a guide.

58. With regard to the point raised by Mr. Pinheiro, he pointed out that not all the Chairperson's statements necessarily required a follow-up, and just because there had been a Chairperson's statement one year did not mean that there would necessarily be one the following year. Moreover, care must be taken to ensure that such statements did not become a substitute for country-specific resolutions.

59. Mr. EIDE said that, as the time available was not unlimited, members of the Sub-Commission should enjoy greater flexibility than observers, who should observe strictly the limits on their speaking time.

60. Ms. WARZAZI suggested that more time should be allowed observers during the consideration of item 2, which was to be discussed at greater length. The Chairperson should check with the Secretariat to see whether that was possible.

61. Mr. ALFONSO MARTÍNEZ said it was unfair to reduce speaking time for observers by 50 per cent and by only 25 per cent for members of the Sub-Commission. Moreover, participants should know exactly how long they were allowed to speak. Their speaking time could be reduced by 25 per cent as compared with the previous year or set at 7 or 8 minutes.

62. Mr. RODRÍGUEZ CUADROS, noting that all the members of the Sub-Commission valued the statements made by observers, who made a very positive contribution to its work, believed it would be fair to allow all observers to take the floor. That implied limiting their speaking time and sharing it equally among them.

63. Mr. KARTASHKIN, supported by Mr. PREWARE, said that the time allocated to speakers could be decided at each meeting, depending on the number of speakers on the list.

64. Mr. JOINET stressed the need to set a precise speaking time for participants. He drew attention to his earlier proposal to reduce it by 25 per cent as compared with the previous year, on the understanding that it would be the Chairperson's prerogative to show some flexibility.

65. The CHAIRPERSON said she took it that the Bureau's recommendation was accepted. The speaking time for experts was set at 10 minutes in principle, although they could exceptionally be allowed some flexibility.

66. Mr. GUISSÉ asked whether experts presenting reports could not have a little more than 10 minutes.

67. The CHAIRPERSON said that the intention was to make an exception for members of the Sub-Commission speaking as rapporteurs.

68. Mr. JOINET said there were only two solutions open to the Sub-Commission: it could either adopt the Bureau's proposal of 10 minutes for experts, on condition that the Chairperson showed some flexibility, or it could reduce speaking time by 25 per cent as compared with the previous year.

69. Mr. YIMER, supported by Mr. GUISSÉ, stressed the need to abide strictly by the speaking time allocated to all participants.

70. Mr. BENGOA said it would be well if experts could be allowed to speak for 15 minutes on a specific agenda item if they asked to do so in advance.

71. Mr. EIDE thought that strict rules should be observed and that speaking time should be restricted to 10 minutes, on the understanding that, during the debate, a participant could revert briefly to an item if necessary.

72. Ms. WARZAZI suggested that an expert who did not speak on an agenda item could, if need be, make use of unused speaking time during the consideration of another item.

73. Mr. SIK YUEN said that members of the Sub-Commission were quite capable of keeping to the time allocated to them.

74. The CHAIRPERSON, replying to Ms. Warzazi, pointed out that it would be very difficult for the Secretariat to keep track of the speaking time saved in that way. It was now up to the Sub-Commission to take a decision on Mr. Joinet's proposal to reduce the speaking time allocated to all participants by 25 per cent, or to accept the Bureau's recommendation to allow experts to speak for 10 minutes - or up to 15 when they were speaking as rapporteurs - with dispensations being granted on an exceptional basis.

75. Mr. ALFONSO-MARTÍNEZ was prepared to accept either proposal, as they both offered the advantage, as compared with the Bureau's initial recommendation, of promoting communication between all participants.

76. Mr. EIDE suggested combining the proposals made by Mr. Joinet and Mr. Bengoa, in other words, reducing speaking time proportionally while allowing experts who had spoken little to exceed the 10-minute limit on an exceptional basis if they wished to elaborate on a specific subject. That solution would take Ms. Warzazi's suggestion into account.

77. Mr. RODRÍGUEZ CUADROS, noting that a consensus appeared to be emerging on Mr. Eide's proposal, suggested that members should adopt it.

78. Ms. WARZAZI said she had reservations about that proposal, which did not take into account her wish to be able to speak at greater length on subjects she felt strongly about.

79. The CHAIRPERSON said she took it that the Sub-Commission wished to adopt the proposal on reducing speaking time as formulated by Mr. Eide, with the reservations expressed by Ms. Warzazi.

80. It was so decided.

81. The CHAIRPERSON read out the procedure for including names in the list of speakers and for submitting draft resolutions, which had to be handed in three working days before the date on which they were to be considered or put to the vote.

82. Mr. JOINET pointed out that members of the Sub-Commission were not obliged to put their names on the list of speakers and could take the floor at any time until the debate on the item under consideration was closed, as long as they did not exceed the time allowed.

83. The CHAIRPERSON said that, as she heard no objections, she took it that the Sub-Commission accepted the recommendations concerning the list of speakers and submission of draft resolutions.

84. It was so decided.

85. The CHAIRPERSON asked members to consider a proposal in connection with the implementation of Commission on Human Rights decision 2000/109 on enhancing the effectiveness of its mechanisms. The proposal, which had been accepted by the Bureau, was that a summary of the Sub-Commission's discussions on agenda item 2 should be annexed to its report.

86. Mr. ALFONSO MARTÍNEZ said that the proposal should be circulated in writing so that members could take an informed decision on the matter, especially as that decision would set a precedent.

87. Mr. JOINET agreed, and added that the Bureau's idea was excellent and in conformity with Commission on Human Rights resolution 8 (XXIII) of 16 March 1967, in which the Sub-Commission was requested to prepare a report on human rights violations. He also supported the idea of asking the Rapporteur to summarize and analyse the discussions on that item and, in that connection, pointed out that at the previous session the circulation by the Secretariat and Rapporteur of parts of the report well before it was adopted had saved a great deal of time. He thought that the summary should not give the names of speakers, that it should contain a brief commentary on situations in countries giving rise to concern (the countries being listed in alphabetical order), and that the document should not be longer than five or six pages.

88. The CHAIRPERSON suggested that the meeting should be suspended to allow consultations on the composition of the sessional working groups.

89. The meeting was suspended at 12.40 p.m. and resumed at 12.55 p.m.

90. The CHAIRPERSON announced the proposed composition of the sessional working group on the administration of justice and the sessional working group on the working methods and activities of transnational corporations. Care had been taken to ensure that each regional group was represented on them. It was proposed that the first should consist of Ms. Zerrougui, Mr. Yokota, Mr. Ogurtsov, Mr. Fix-Zamudio and Ms. Hampson, and the second of Mr. Guissé, Mr. Park, Mr. Kartashkin, Mr. Rodríguez Cuadros and Mr. Weissbrodt.

91. The CHAIRPERSON said that, as she heard no objections, she took it that the Sub-Commission approved of the composition of the two sessional working groups.

92. It was so decided.

93. The CHAIRPERSON proposed that consideration of the issues under agenda item 1 (c) not yet dealt with by the Sub-Commission should be carried over to the next meeting.

94. Mr. EIDE said that he intended to circulate a number of proposals on the agenda for the next session. That was an urgent matter, given the shorter length of the session, and he hoped that, at the very least, an informal meeting could be held to enable the Sub-Commission to discuss the matter.

The meeting rose at 1.05 p.m.